

Application No. 09/610158
Amendment dated May 30, 2006
Reply to Notice Of Non-Compliance of April 28, 2006

Docket No.: 013212.0137R1US
(Formerly 9203/046 RE)

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figures 7 and 8.

Attachments: Replacement sheets
 Annotated sheets showing changes

REMARKS

In a Notice Of Non-Compliance mailed 28 April 2006, the Examiner states:

The amendment to the claims filed on 6/28/04 does not comply with the requirements of 1.173 reissue amendment practice because:

Claim 9 is not marked with the correct status identified (Amended) and the removed text is not marked with strike out and added text not indicated by underlining.

Further, the amendment is seen to be improper broadening, as previously rejected.

Further, a supplemental declaration, is required with the amendment.

Further, the previous amendments to drawings 7 and 8 are non-compliant, new formal drawings labeled "Amended" are required.

Further, no abstract of the invention was submitted, the Abstract from the face of the patent is required.

Applicants have corrected the status of claim 9 to "Previously Presented" since it was amended in the Preliminary Amendment enclosed with the initial filing of the Reissue Application on June 30, 2000. Since the only change in claims 9 – 14 during the prosecution of this Reissue Application were presented in the above-noted amendment to claim 9 in the Preliminary Amendment dated June 30, 2000, no Supplemental Declaration is required, since this amendment was covered by the Declaration filed in association with the filing of the Reissue Application on June 30, 2000.

Applicants have enclosed substitute drawing Figures 7 and 8 to correct a misspelling contained in these drawings from the original patent.

Applicants have also submitted the Abstract from the face of the original patent herewith, which Abstract was missing from the original Reissue Application.

Finally, the Examiner noted that "the amendment is seen to be improper broadening, as previously rejected." However, the amendment filed on September 21, 2004 did not amend any claims; it simply canceled claims 1 – 8 and 15 – 29. In fact, no amendment to claims 9 – 14 has been filed since the Preliminary Amendment enclosed with the initial filing of the Reissue Application on June 30, 2000. Applicants note that the Examiner indicated in the Office Action

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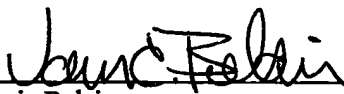
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9 - 14 were allowable, but rejected claims 1 - 8 and 15 - 29 based on newly cited prior art. In an amendment filed September 21, 2004, Applicants canceled claims 1 - 8 and 15 - 29 to accept the allowable claims 9 - 14. The Examiner's newly raised issue of improper broadening is not explained in this Notice Of Non-Compliance and is an issue improperly raised, considering the Notice Of Non-Compliance only addresses technical and clerical issues contained in the last filed Amendment dated September 21, 2004. Also, independent claim 13 is identical to the claim 13 present in the original patent; therefore, the issue of improper broadening is improperly raised with respect to claims 13 and 14. Therefore, the comment "the amendment is seen to be improper broadening, as previously rejected." is indefinite in view of the above-noted factors and requires explanation to enable Applicants to respond appropriately. Applicants request that the Examiner raise the issue of improper broadening, if appropriate, in an Office Action issued in response to the Amendment filed on September 21, 2004.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1848, under Order No. 013212.0137R1US from which the undersigned is authorized to draw.

Respectfully submitted,
PATTON BOGGS LLP

Dated: 30 May 2006

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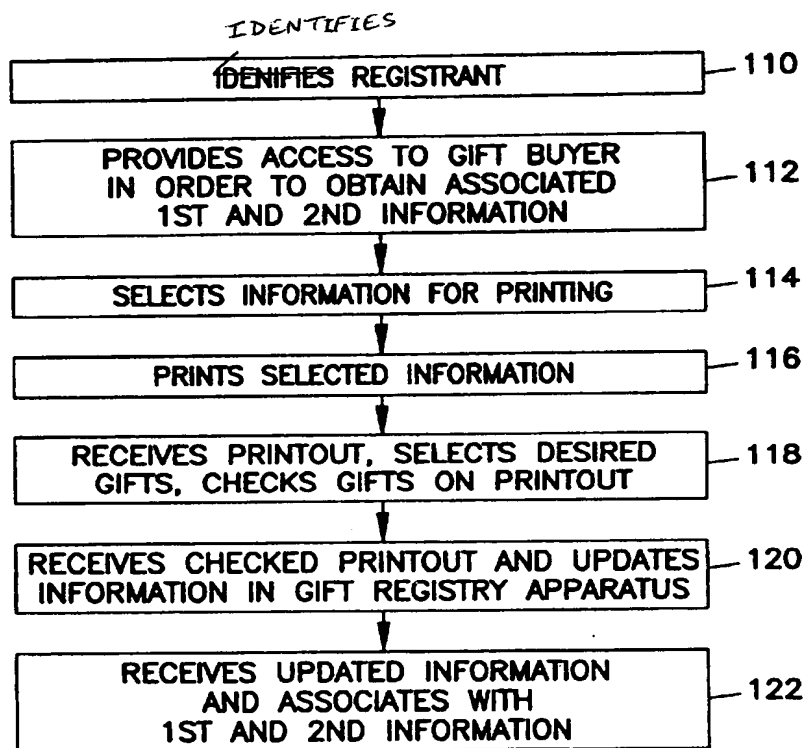


FIG. 7

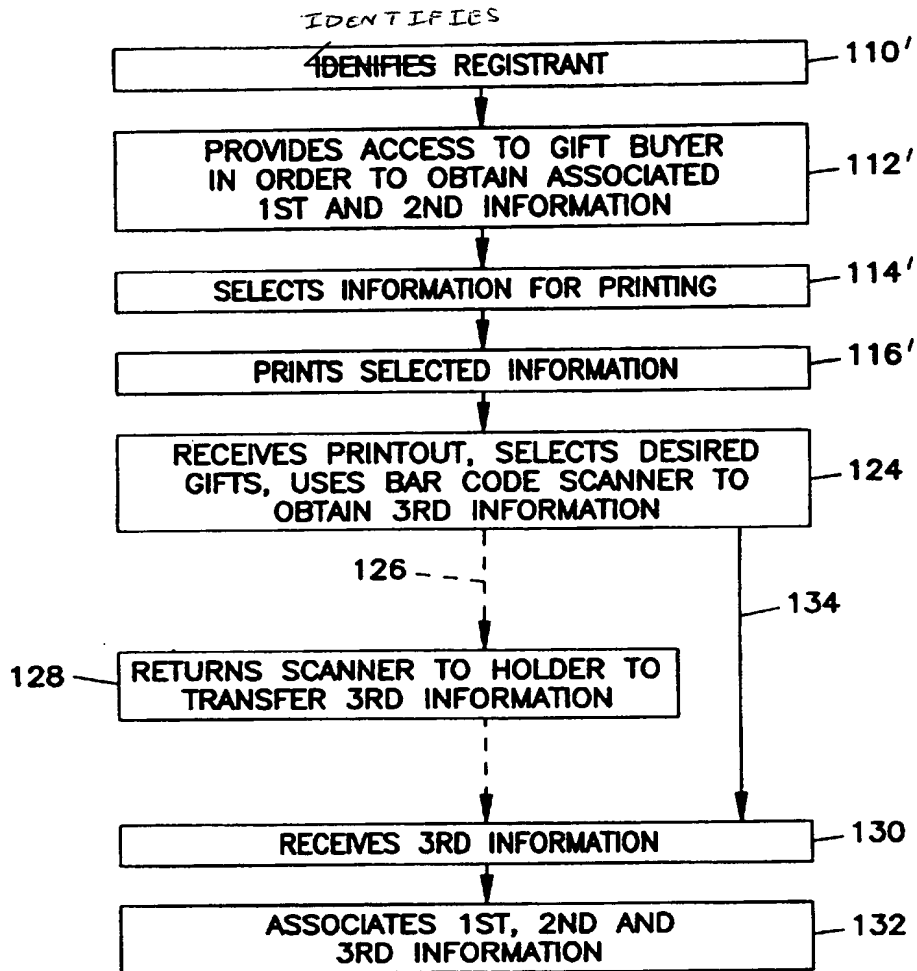


FIG. 8